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Signature Page*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ASBESTOS DISEASE AWARENESS
ORGANIZATION, et al.,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants.

Case No. 19-CV-00871-EMC

**STIPULATION AND [PROPOSED]
ORDER REGARDING EXTENSION OF
SCHEDULE FOR BRIEFING THE
DEFENDANTS' MOTION TO ALTER OR
AMEND THE JUDGMENT UNDER RULE
59 OR FOR RELIEF UNDER RULE 60**

STATE OF CALIFORNIA, by and through
Attorney General Xavier Becerra, et al.,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants.

Case No. 19-CV-03807-EMC

WHEREAS, on December 22, 2020, the Court issued its order granting Plaintiffs' motions for summary judgment and denying Defendants' cross-motion for summary judgment in these consolidated cases involving the denials of the Plaintiffs' respective petitions regarding chemical data reporting requirements under the federal Toxic Substances Control Act (*see* Order; ADAO Case ECF No. 58 and AGs' Case ECF No. 70, respectively);

WHEREAS, on January 5, 2021, the Court entered judgment pursuant to Federal Rule of Civil Procedure 58 in favor of the plaintiffs Asbestos Disease Awareness Organization, American Public Health Association, Center for Environmental Health, Environmental Working Group, Environmental Health Strategy Center, and Safer Chemicals Healthy Families (collectively, "ADAO Plaintiffs") in Case No. 19-00871 (*see* Judgment; ADAO Case ECF No. 59);

WHEREAS, on January 5, 2021, the Court also entered judgment pursuant to Federal Rule of Civil Procedure 58 in favor of the plaintiffs the State of California, by and through Attorney General Xavier Becerra, the Commonwealth of Massachusetts, by and through Attorney General Maura Healey, and the States of Connecticut, Hawaii, Maine, Maryland, Minnesota, New Jersey, Oregon, Washington, and the District of Columbia (collectively, "the States") in Case No. 19-03807 (*see* Judgment; AGs' Case ECF No. 71);

WHEREAS, on January 14, 2021, the Court entered an Order (ADAO Case ECF No. 61; AGs' Case ECF No. 73) granting a stipulation regarding the enlargement of time for the Plaintiffs to file their bills of costs and motions for attorneys' fees pursuant to Civil Local Rules 54-1 and 54-5, respectively, in this matter, and those filings are now due by April 19, 2021;

1 WHEREAS, on February 2, 2021, the Defendants filed their Motion to Alter or Amend
2 Judgment Under Rule 59 or For Relief Under Rule 60 in these consolidated matters (ADAO
3 Case ECF No. 62; AGs' Case ECF No. 74), with the motion noticed for hearing before this Court
4 on March 11, 2021, at 1:30 p.m.;

5 WHEREAS, at various times in this action the Court granted extensions of time for
6 deadlines in the litigation (*see*, e.g., the deadline for the ADAO Plaintiffs to file their opposition
7 to the Defendants' motion to dismiss (ADAO Case ECF No. 23), the deadlines for the parties'
8 summary judgment briefing (AGs' Case ECF No. 59), and the deadlines for filing bills of costs
9 and motions for attorneys' fees (ADAO Case ECF No. 61; AGs' Case ECF No. 73));

10 WHEREAS, the ADAO Plaintiffs and the States seek an enlargement of time within
11 which to respond to the Defendants' Motion to Alter or Amend Judgment Under Rule 59 or For
12 Relief Under Rule 60, to afford the Plaintiffs the opportunity to confer with each other and
13 among their many respective clients regarding their opposition to the Defendants' motion,
14 including with respect to potentially filing a single, joint response to the motion. The parties also
15 wish to confer regarding potential resolution of the matter. The granting of the proposed
16 extension should not affect the schedule for the case, which was administratively closed upon
17 entry of judgments in each case on January 5, 2021, and may potentially expedite the disposition
18 of the matters addressed in the motion;

19 WHEREAS, the parties to the ADAO Case and AGs' Case agree that enlarging the time
20 for responding to the Defendants' Motion to Alter or Amend Judgment Under Rule 59 or For
21 Relief Under Rule 60 would serve the interests of justice and should result in an efficient process
22 for the litigants to address the Defendants' motion;

23 WHEREAS, the ADAO Plaintiffs and the States also seek such enlargement of time due to
24 ongoing events associated with the COVID-19 pandemic that continue to cause extraordinary
25 disruptions in the working, personal, and family lives of the country's population, including the
26 litigants in this case;

WHEREAS, the parties reserve their rights to seek a stay of further proceedings in this Court, including with respect to costs or attorney fees, pending appeal, if appropriate.

WHEREAS, upon the Court's approval of this stipulation and order, the ADAO Plaintiffs and/or the States shall file their response to the Defendants' Motion to Alter or Amend Judgment Under Rule 59 or For Relief Under Rule 60 by no later than February 26, 2021; and

WHEREAS, Defendants shall file their reply in further support of their motion by no later than March 5, 2021.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties to the ADAO Case and the AGs' Case:

1. The ADAO Plaintiffs and/or the States shall file their response to the Defendants' Motion to Alter or Amend Judgment Under Rule 59 or For Relief Under Rule 60 by no later than February 26, 2021.
2. Defendants shall file their reply in further support of their Motion to Alter or Amend Judgment Under Rule 59 or For Relief Under Rule 60 by no later than March 5, 2021.
3. The March 11, 2021 hearing date is vacated and reset for March 18, 2021, at 1:30 p.m.

Respectfully submitted,

Dated: February 16, 2021

s/ Robert M. Sussman (by permission)

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U.S. DEPARTMENT OF JUSTICE

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19
20 * * *

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22
23 DATED:

Edward M. Chen
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF SCHEDULE FOR BRIEFING THE DEFENDANTS' MOTION TO ALTER OR AMEND THE JUDGMENT UNDER RULE 59 OR FOR RELIEF UNDER RULE 60** was served by Notice of Electronic Filing this 16th day of February 2021, upon all ECF registered counsel of record in each of the above-captioned cases using the Court's CM/ECF system.

s/ I. Andrew Goldberg

For the Commonwealth of
Massachusetts